

0575/59131/JPW/KPE

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TECH CENTER 1600/2900

Applicant : Taka-Aki Sato

Serial No.: 09/327,750

Filed : June 7, 1999

For : GENE ENCODING NADE, P75<sup>NTR</sup>-ASSOCIATED CELL DEATH  
EXECUTOR AND USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036  
January 22, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

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SIR:

**SECOND PRELIMINARY  
AMENDMENT AND COMMUNICATION IN  
REPLY TO AUGUST 22, 2000 NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES UNDER 37 C.F.R. §1.821-§1.825  
AND PETITION FOR A FOUR-MONTH EXTENSION OF TIME**

Please amend the above-identified application as follows:

**In the Claims**

Please add new claims 131, 132 and 133 as follows:

131. (New) A monoclonal antibody directed to an epitope of a polypeptide capable of binding p75<sup>NTR</sup> receptor.
132. (New) A method of producing a polypeptide capable of binding p75<sup>NTR</sup> receptor which comprises:
- (a) inserting a nucleic acid molecule encoding the polypeptide capable of binding p75<sup>NTR</sup> receptor into a suitable vector;
- (b) introducing the resulting vector into a suitable host cell;

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- (c) selecting any introduced host cell for the expression of the polypeptide capable of binding p75<sup>NTR</sup> receptor;
- (d) culturing the selected cell of step (c) to produce the polypeptide capable of binding p75<sup>NTR</sup> receptor; and
- (e) recovering the polypeptide capable of binding p75<sup>NTR</sup> receptor produced in step (b).

133. (New)

A method for identifying an apoptosis-inducing compound comprising:

- (a) contacting a cell with an appropriate amount of the compound;
- (b) measuring the expression level of a polypeptide capable of binding p75<sup>NTR</sup> receptor gene and p75<sup>NTR</sup> gene in the cell, an increase of the expression levels of the polypeptide capable of binding the p75<sup>NTR</sup> receptor gene the p75<sup>NTR</sup> gene indicating that the compound is an apoptosis-inducing compound.

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**REMARKS**

Claims 1-4, 8-23, 29, 55 and 56 are pending in the subject application. Applicant has added new claims 131-133 which incorporate the language of originally filed claims 39, 49 and 69 which were canceled by a June 7, 1999 Preliminary Amendment. Support for new claim 131 may be found in the specification, *inter alia* on page 26, lines 10-28. Support for new claim 132 may be found in the specification, *inter alia* on page 3, lines 21-34. Support for new claim 133 may be found in the

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specification, *inter alia* on page 5, lines 6-31. Applicant maintains that the Amendment does not raise any issues of new matter and respectfully requests the entry of this Second Preliminary Amendment.

Applicant notes that the application filing fee included a fee of \$446.00 for seven (7) independent claims (see June 7, 1999 Application Transmittal letter for filing fee calculation, attached herewith as **Exhibit A**) but only 4 independent claims are presently pending, i.e. claims 1, 29, 55 and 56. Accordingly, applicants have hereinabove added three (3) new claims for which no additional fees are required.

This Communication is also submitted in reply to the August 22, 2000 Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures Under 37 C.F.R. §1.821-1.825 issued by the United States Patent and Trademark Office in connection with the above-identified application. A reply to the August 22, 2000 Communication was originally due September 22, 2000. Applicant hereby requests a four-month extension of time under 37 C.F.R. §1.136(a) to January 22, 2001. The required fee for a four-month extension of time is SIX HUNDRED NINETY-FIVE DOLLARS (\$695.00) for a small entity. Applicant has previously established small entity status and a check for this amount is enclosed herewith. A reply is now due January 22, 2001. Accordingly, this Second Preliminary Amendment and Communication is being timely filed.

#### **Sequence Listing**

The Examiner stated that this application contains sequence disclosures that are encompassed by definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. §1.821(a)(1)

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and (a)(2). The Examiner stated that the this application fails to comply with the requirements of 37 C.F.R. §1.821 through 37 C.F.R. §1.825 for the reason set forth in Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, a copy of which is attached hereto as **Exhibit B**.

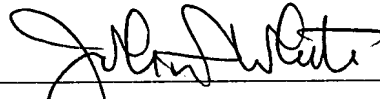
In reply, applicant submits herewith a paper copy of an initial Sequence Listing, attached hereto as **Exhibit C** in compliance with the requirements of 37 C.F.R. §1.824. In addition, applicant submits herewith a computer readable form (diskette) containing the initial Sequence Listing in ASCII (DOS) format, which has the same content as the paper copy attached as Exhibit C. Applicant submits as **Exhibit D**, a Statement of Compliance Under 37 C.F.R. §1.821(f). Applicant believes that in view of the submitted disk and Statement of Compliance under 37 C.F.R. §1.821(f) certifying that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(f) and submitted in connection with the above-identified application, has the same information which is submitted herewith as Exhibit B entitled "Sequence Listing", the subject application now fully complies with the requirements of 37 C.F.R. §1.821 through §1.825 and request that the Examiner withdraw the objection to the Sequence Listing.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone at the number provided below.

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No fee, other than the enclosed \$695.00 fee for a four month extension of time, is deemed necessary in connection with the filing of this Second Preliminary Amendment and Communication. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

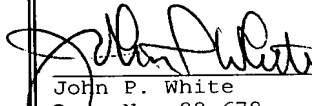
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231.



John P. White  
Reg. No. 28,678

1/22/01  
Date